

Virgin Islands, Washington, and Wyoming.

List of Subjects in 29 CFR Part 1910

Grain handling, Grain elevators, Occupational safety and health, Protective equipment.

Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR Part 1911, it is hereby proposed to amend 29 CFR part 1910 as set forth below.

Signed at Washington, D.C., this 16th day of October, 1995.

Joseph A. Dear,
Assistant Secretary of Labor.

29 CFR part 1910 would be amended as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The Authority citation for subpart R of 29 CFR part 1910 would continue to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable.

Sections 1910.261, 1910.262, 1910.265, 1910.266, 1910.267, 1910.268, 1910.269, 1910.272, 1910.274, and 1910.275 also issued under 29 CFR part 1911.

§ 1910.272 [Amended]

2. The paragraph designations of the *Definitions* in paragraph (c) of § 1910.272 would be removed.

3. A new definition of "Flat storage facility" would be added in alphabetical order in paragraph (c) of § 1910.272, to read as follows:

§ 1910.272 Grain handling facilities.

* * * * *

(c) *Definitions.*

* * * * *

Flat storage facility means a building or structure that is used to store grain, and that has large doorways at ground level through which motorized vehicles are driven in order to move grain.

* * * * *

4. Paragraphs (h) through (p) of § 1910.272 would be redesignated as

new paragraphs (i) through (g), respectively.

5. The heading and introductory text of paragraph (g), and paragraphs (g)(1)(ii) and (g)(2) of § 1910.272, would be revised, and a new paragraph (h) would be added, to read as follows:

§ 1910.272 Grain handling facilities.

* * * * *

(g) *Entry into grain storage structures.* This paragraph applies to employee entry into bins, silos, tanks, and other grain storage structures. *Exception:* Entry into flat storage facilities in which there are no toxicity, flammability, oxygen-deficiency, or other atmospheric hazards is covered by paragraph (h) of this section.

(1) * * *

(ii) All mechanical, electrical, hydraulic, and pneumatic equipment which could present a danger to employees inside grain storage structures shall be deenergized and shall be disconnected, locked-out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods.

* * * * *

(2) When an employee enters a grain storage structure from a level at or above the level of the stored grain, or whenever an employee walks or stands on or in stored grain of a depth which poses an engulfment hazard, the employer shall equip the employee with a body harness with lifeline, or a boatswain's chair that meets the requirements of subpart D of this part. The lifeline shall be so positioned, and of sufficient length, to prevent the employee from sinking further than waist-deep in the grain.

* * * * *

(h) *Entry into flat storage facilities.* (1) The employee shall be equipped with a body harness with lifeline when walking or standing on or in stored grain, where the depth of the grain poses an engulfment hazard. The lifeline shall be so positioned, and of sufficient length, to prevent the employee from sinking further than waist-deep in the grain.

(2) All mechanical, electrical, hydraulic, and pneumatic equipment which could present a danger to an employee inside a flat storage facility (such as an auger or other grain transport equipment when an employee is standing on stored grain) shall be deenergized, and shall be disconnected, locked-out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods.

(3) No employee shall be permitted to be either underneath a bridging

condition, or in any other location where an accumulation of grain on the sides or elsewhere could fall and engulf that employee.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7155]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2756.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any

existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this proposed

rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Indiana	Boone County (unincorporated areas).	New Reynolds Ditch	Approximately 500 feet downstream of Golf Course Road.	*932	*930
			At downstream side of Elm Swamp Road	*940	*938

Maps available for inspection at the Area Planning Commission, Building Inspector's Office, 101 Courthouse Square, Lebanon, Indiana.

Send comments to Mr. Paul Green, President of the Boone County Council, Boone County Auditor's Office, 201 Courthouse Square, Lebanon, Indiana 46052.

Indiana	Lebanon (city) Boone County.	New Reynolds Ditch	Approximately 1,000 feet upstream of confluence with Prairie Creek.	*920	*919
			At limit of study, approximately 80 feet upstream of Grant Drive.	*940	*939

Maps available for inspection at the Building Inspector's Office, 201 East Main Street, Lebanon, Indiana.

Send comments to The Honorable James Acton, Mayor of the City of Lebanon, 201 East Main Street, Lebanon, Indiana 46052.

Massachusetts	Monson (town) Hampden County.	Twelvemile Brook	At the upstream side of Pulpit Rock Pond dam.	None	*367
			Approximately 1,000 feet upstream of Reimers Street.	None	*426
		Thayer Brook	Approximately 210 feet downstream of Lakeshore Drive.	None	*367
			Approximately 40 feet upstream of Lakeshore Drive.	None	*385

Maps available for inspection at the Building Inspector's Office, 110 Main Street, Monson, Massachusetts.

Send comments to Mr. Peter A. Rouette, Chairman of the Board of Selectmen for the Town of Monson, 110 Main Street, Monson, Massachusetts 01057.

Michigan	Allen Park (city) Wayne County.	North Branch Ecorse Creek.	Approximately 0.36 mile downstream of Allen Road.	None	*590
			Approximately 250 feet upstream of Euclid Avenue.	*600	*598

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Allen Park City Hall, 16850 Southfield Road, Allen Park, Michigan.

Send comments to The Honorable Gerald Richards, Mayor of the City of Allen Park, 16850 Southfield Road, Allen Park, Michigan 48101-2599.

Michigan	Coldwater (city) Branch County.	Sauk River	At confluence with South Lake	None	*928
			Approximately 0.1 mile upstream of Michigan Avenue.	None	*972
		South Lake Drain	Approximately 300 feet downstream of Race Street.	None	*940
			Approximately 1,300 feet upstream of most upstream crossing of Farm Lane.	None	*985
		County Drain 15	At State Road	None	*969
			Approximately 900 feet upstream of Private Drive.	None	*974
		South Lake	Entire shoreline within community	None	*928
		Randall Lake	Entire shoreline within community	None	*928

Maps available for inspection at the Coldwater City Hall, 28 West Chicago Street, Coldwater, Michigan.

Send comments to Mr. Fred Lilue, Chief, Coldwater City Engineer, 28 West Chicago Street, Coldwater, Michigan 49036-1683.

Michigan	Coldwater (township) Branch County.	Coldwater River	At confluence with South Lake	None	*928
			At Fenn Road	*None	*959
		South Lake Drain	At confluence with South Lake	None	*928
			Approximately 1.2 miles upstream of Garfield Road.	*None	*1000
		Sauk River	Approximately 0.6 mile downstream of Michigan Avenue.	None	*970
			At Fox Road	None	*984
		County Drain 40	At confluence with Sauk River	None	*978
			Approximately 1.0 mile upstream of Wood Road.	None	*990
		Cold Creek	At confluence with Randall Lake	None	*928
			At Jonesville Road	None	*963
		County Drain 15	At confluence with Cold Creek	None	*946
			Approximately 0.7 mile upstream of Michigan Road.	None	*966
		Morrison Lake	Entire shoreline within community	None	*928
		Randall Lake	Entire shoreline within community	None	*928
		South Lake	Entire shoreline within community	None	*928

Maps available for inspection at the Coldwater Township Hall, 571 South Sprague Road, Coldwater, Michigan.

Send comments to Mr. John Kopacz, Supervisor of the Township of Coldwater, 571 South Sprague Road, Coldwater, Michigan 49036.

Michigan	Dearborn Heights (city).	North Branch	At Southfield Freeway	*601	*598
	Wayne County	Ecorse Creek	Approximately 250 feet downstream of Pardee Road.	*610	*609

Maps available for inspection at the Dearborn Heights City Hall, 6045 Fenton Street, Dearborn Heights, Michigan.

Send comments to The Honorable Ruth A. Canfield, Mayor of the City of Dearborn Heights, 6045 Fenton Street, Dearborn Heights, Michigan 48127.

Michigan	Hartland (township) Livingston County .	North Ore Creek	At Parshallville Road	None	*909
			At Fenton Road	None	*966

Maps available for inspection at the Hartland Township Office, 3191 Hartland Road, Hartland, Michigan.

Send comments to Mr. Don Rhodes, Hartland Township Supervisor, 3191 Hartland Road, Hartland, Michigan 48353.

Michigan	Taylor (city) Wayne County.	North Branch	At Pelham Road	*604	*602
		Ecorse Creek	Approximately 200 feet downstream of Pardee Road.	*610	*609

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the City of Taylor Building Department, 23333 Eureka Road, Taylor, Michigan.

Send comments to The Honorable Cameron Priebe, Mayor of the City of Taylor, 23333 Eureka Road, Taylor, Michigan 48180.

New Jersey	Flemington (Borough). Hunterdon County .	Walnut Brook	Approximately 605 feet downstream of downstream corporate limits.	*168	*169
			Approximately 400 feet upstream of State Route 12.	*181	*182
		Bushkill Brook	Approximately 70 feet downstream of State Route 31.	None	*129
			Approximately 900 feet upstream of Elizabethtown Gas Company bridge.	None	*140

Maps available for inspection at the Flemington Borough Building, 38 Park Avenue, Flemington, New Jersey.

Send comments to The Honorable Austin H. Kutcher, Jr., Mayor of the Borough of Flemington, 38 Park Avenue, Flemington, New Jersey 08822-1396.

Pennsylvania	McSherrystown (Borough) Adams County.	Plum Creek	At downstream corporate limits (approximately 1,250 feet downstream of State Route 116).	*527	*526
			At upstream corporate limits (approximately 1,175 feet upstream of State Route 116).	*533	*534

Maps available for inspection at the Borough Building, 338 Main Street, McSherrystown, Pennsylvania.

Send comments to Mr. William Smith, Borough of McSherrystown Manager, 338 Main Street, McSherrystown, Pennsylvania 17344.

Pennsylvania	Philadelphia (city) Philadelphia County.	Schuylkill River	The land area located adjacent to and east of the Schuylkill River previously designated as the Philadelphia Naval Base.	None	*10
		Delaware River	The land area located adjacent to and north of the Delaware River previously designated as the Philadelphia Naval Base.	None	*10

Maps available for inspection at the Philadelphia Planning Commission, 1515 Market Street, Philadelphia, Pennsylvania.

Send comments to Mr. Edward G. Rendell, Mayor of the City of Philadelphia, Room 215, City Hall, Philadelphia, Pennsylvania 19107.

Virginia	Norfolk (city) Independent City.	Chesapeake Bay	Approximately 1,300 feet northeast of the intersection of Pleasant Avenue and 30th Bay Street.	*13	*12
		Little Creek	Approximately 1,400 feet east of the intersection of Pleasant Avenue and 30th Bay Street.	*9	*10

Maps available for inspection at the Norfolk City Planning Office, Suite 508, City Hall Building, Norfolk, Virginia.

Send comments to The Honorable Paul D. Frame, Mayor of the City of Norfolk, City Hall Building, Suite 1109, Norfolk, Virginia 23501.

Virginia	City of Virginia Beach Independent City.	Chesapeake Bay	At the intersection of Oceanview and Fentless Avenues.	None	*9
			Approximately 220 feet north of the intersection of Windy Road and Sandy Bay Drive.	None	*12
			Approximately 650 feet northwest of the intersection of Shore Drive and Vista Circle.	*11	*10
			Approximately 310 feet north of the intersection of Ebb Tide Road and Ocean Shore Avenue.	*9	*11
		Atlantic Ocean	At Lynnhaven Inlet	*13	*14
			Approximately 130 feet east of the intersection of 20th Street and Atlantic Avenue.	None	*11
			Approximately 450 feet east of the intersection of 8th Street and Atlantic Avenue.	*13	*14
		Lake Wishart	Entire shoreline	None	*8
		Bradford Lake	Entire shoreline	*8	*9

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Chubb Lake	Entire shoreline	*8	*9
		Fox Run Canal	At the confluence with Eastern Branch Elizabeth River.	*8	*9
			Approximately 1,200 feet upstream of Churchill Drive.	*14	*13
		Left Bank Tributary Thalia Creek.	Approximately 1,400 feet upstream of the mouth of Thalia Creek.	*9	*8
			At Windsor Oaks Boulevard	*12	*10
		Holland Road Tributary Thalia Creek.	At the confluence with Left Bank Tributary Thalia Creek.	*12	*10
			At the downstream side of Holland Road	*12	*10
		Unnamed Pond	Approximately 100 feet east of the intersection of East Port Road and Gammon Road.	None	*9
		Shallow Ponding Area	Approximately 400 feet east of Atlantic Avenue on 65th Street.	None	#1
		Shallow Ponding Area	Located in the vicinity of the intersection of Sandpiper Road and Oyster Lane.	None	#2
		Shallow Ponding Area	Approximately 500 feet north of the State boundary line.	None	#3

Maps available for inspection at the City of Virginia Beach Municipal Center, Operations Building No. 2, Virginia Beach.

Send comments to The Honorable Mayera E. Oberndorf, Mayor of the City of Virginia Beach, Municipal Center, Virginia Beach, Virginia 23456.

West Virginia	Mineral County (unincorporated areas).	Patterson Creek	Approximately 1.55 miles downstream of George Run Road.	None	*593
			Approximately 0.58 mile upstream of confluence of Mill Creek.	None	*751

Maps available for inspection at the Mineral County Planning Office, 150 Armstrong Street, Keyser, West Virginia.

Send comments to Mr. Danny Evans, Director of the Mineral County Planning Commission, 150 Armstrong Street, Keyser, West Virginia 26726.

Wisconsin	Barron County (unincorporated areas).	Tenmile Lake	Entire shoreline within community	None	1040
		Lake Chetek	Entire shoreline within community	None	1040
		Prairie Lake	Entire shoreline within community	None	1040
		Pokegama Lake	Entire shoreline within community	None	1040
		Mud Lake	Entire shoreline within community	None	1040
		Hemlock Lake	Entire shoreline within community	None	1189
		Red Cedar Lake	Entire shoreline within community	None	1189
		Kidney Lake	Entire shoreline within community	None	1233
		Beaver Dam Lake	Entire shoreline within community	None	1233
		Bear Lake	Entire shoreline within community	None	1222

Maps available for inspection at the Barron County Clerk's Office, 1671 18th Street, Barron, Wisconsin.

Send comments to Mr. Arnold Ellison, Chairman of the Barron County Board, 1671 18th Street, Barron, Wisconsin 54812.

Wisconsin	Dunn County (unincorporated areas).	Chippewa River	Approximately 400 feet upstream of downstream county boundary.	*726	*725
			At upstream county boundary	*762	*761
		Elk Creek	At the Elk Lake Dam	*814	*806
			At County Highway EE	*852	*846
		Eau Galle River	At the Eau Galle Dam	*778	*763
			Approximately 200 feet upstream of County Highway D.	None	*769
		Red Cedar River	At the confluence with Chippewa River ...	*730	*729
			Approximately 0.4 mile downstream of County Highway Y.	*730	*729

Maps available for inspection at the Dunn County Clerk's Office, 800 Wilson Avenue, Menomonie, Wisconsin.

Send comments to Mr. Patrick Thompson, Dunn County Administrator, 800 Wilson Avenue, Menomonie, Wisconsin 54751.

Wisconsin	Haugen (Village) Barron County.	Bear Lake	Entire shoreline within corporate limits	None	*1222
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Haugen Village Office, 108 West Third Street, Haugen, Wisconsin.

Send comments to Ms. Mary Grengs, President of the Village of Haugen, P.O. Box 085, Haugen, Wisconsin 54841.

Wisconsin	Shell Lake (city) Washburn County.	Shell Lake	Entire shoreline within community	None	*1226
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Maps available for inspection at the Shell Lake City Hall, 209 West 5th Avenue, Shell Lake, Wisconsin.

Send comments to The Honorable Charles R. Lutz, Mayor of the City of Shell Lake, P.O. Box 0520, Shell Lake, Wisconsin 54871.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: October 5, 1995.

Robert H. Volland,

Acting Deputy Associate Director for Mitigation.

[FR Doc. 95-25937 Filed 10-18-95; 8:45 am]

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